



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

DERRICK TYLER MILLS,  
Plaintiff,

vs.

SGT. NFN JONES *et al.*,  
Defendants.

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CIVIL ACTION NO. 6:04-22880-HFF-WMC

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ORDER ADOPTING THE REPORT AND RECOMMENDATION AND GRANTING  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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This case was filed as a Section 1983 action. Plaintiff is proceeding *pro se*. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' Motion for Summary Judgment be granted. The Report is made in accordance with 28 U.S.C. § 636 and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on March 7, 2006. Plaintiff's six-page objection memorandum was filed with the Court on March 27, 2006. Although Plaintiff generally reargues his case in his objection memorandum, in the interest of justice and an abundance of caution, the Court has made a *de novo* review of those portions of the Report to which Plaintiff references, but finds the objections to be without merit. Thus, for the reasons set forth in the Magistrate Judge's comprehensive and well-reasoned report, the Court will overrule Plaintiff's objections and enter judgment accordingly.

Therefore, after a thorough review of the Report, the objections, and the record in this case pursuant to the standards set forth above, the Court overrules Plaintiff's objections, adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' Motion for Summary Judgment is **GRANTED**.

**IT IS SO ORDERED.**

Signed this 28th day of March, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that the right to appeal this Order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.